

Decision **DRAFT DECISION OF ALJ WONG** (Mailed 8/3/2004)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 2, 2002)

**OPINION EXTENDING THE MONTHLY REPORTING
REQUIREMENTS ESTABLISHED IN
D.97-05-040 AND D.99-05-034****Summary**

In Decision (D.) 02-08-062, which was issued in Rulemaking (R.) 94-04-031 and Investigation (I.) 94-04-032, the Commission extended two reporting requirements relative to reports that the utility distribution companies (UDCs) are to make to the Commission's Energy Division. These reports contain information about: (1) direct access implementation activities; and (2) which entities are installing direct access meters and which entities are providing electricity billing services. D.02-08-062 provides that these reporting requirements are to terminate with the reports ending for the month of September 30, 2004, unless further extended by the Commission.

Today's decision extends the reporting requirements for these two monthly reports for two additional years, *i.e.*, through the month ending September 30, 2006, unless further extended.

Background

In D.97-05-040, the Commission directed the UDCs to submit monthly reports beginning on November 15, 1997, to the Director of the Energy Division

and to other interested parties, regarding their direct access implementation activities for the prior month. Originally, this reporting requirement was to have terminated with the report ending for the month of June 30, 1999. (D.97-05-040, Ordering Par. 5.e.(5) [72 CPUC2d at 496].) This reporting requirement was extended in D.99-05-034, and was to terminate with the report ending for the month of December 31, 2000. D.99-05-034 also allowed the Energy Division to collect additional information in these monthly reports. (D.99-05-034, Ordering Par. 14 [86 CPUC2d at pp. 537-538].)

In D.99-05-034, the Commission also adopted a requirement that the UDCs provide information about which entities are installing direct access meters, and which entities are billing for electrical services. These monthly reports were originally scheduled to terminate with the activities ending for the month of December 31, 2000.

In D.00-12-036, and again in D.02-08-062, the Commission extended both of the monthly reporting requirements. Unless the reporting requirements are extended again, the reporting requirements will terminate with the reports ending on September 30, 2004.

The Energy Division has requested that both reporting requirements be extended so that the Commission can continue to track direct access participation and the activities regarding direct access metering and billing.

Discussion

The two reporting requirements were established in the electric restructuring proceedings, R.04-04-031 and I.94-04-032. Both of those restructuring proceedings were closed in D.03-01-034 as a result of the October 2, 2002 administrative law judge's ruling soliciting comments on why those two proceedings should not be closed. That ruling proposed that "any remaining

direct access issues that were being addressed in R.94-04-031 should now be addressed in R.02-01-011.”

Since D.03-01-034 closed the electric restructuring proceedings in which the two monthly reporting requirements were established, we shall use R.02-01-011, and its service list, as the proceeding in which to extend the two reporting requirements.

Direct access participation by new customers was suspended by the Commission in D.01-09-060. Even though the number of direct access service requests and direct access meter installations were expected to decline as a result of the suspension of direct access, we required the UDCs in D.02-08-072 to continue filing both reports. The reasoning for continuing both reports was to “provide the Commission with valuable data about the number of customers participating in the direct access market, the installation of direct access meters, and which company is performing the billing of electricity services.” (D.02-08-062, p. 3.)

By extending both monthly reporting requirements again, we will have uninterrupted data about direct access participation and direct access metering and billing. This type of information provides the Commission with useful market data about direct access activities. Accordingly, the Energy Division’s request to continue both of these reporting requirements should be granted. Therefore, we shall extend the requirement that the UDCs submit the monthly report on their respective direct access implementation activities through the month ending September 30, 2006, unless further extended. In addition, we shall extend the requirement that the UDCs submit the monthly report on which entities are installing direct access meters and which entities are performing the

billing of electricity through the month ending September 30, 2006, unless further extended.

Comments on Draft Decision

In accordance with §311(g)(1) of the Public Utilities Code and Rule 77.7 of the Commission's Rules of Practice and Procedure, the draft decision was mailed for comment on _____. Comments were filed on ____, and reply comments were filed on _____.

Assignment of Proceeding

Geoffrey F. Brown and Carl W. Wood are the assigned Commissioners in this proceeding. John S. Wong is the administrative law judge assigned to the decisions regarding the monthly reporting requirements that were originally established in R.94-04-031 and I.94-04-032.

Findings of Fact

1. D.97-05-040 directed the UDCs to submit monthly reports to the Director of the Energy Division and to other interested parties regarding their direct access implementation activities.

2. The direct access implementation activity reporting requirement was extended in D.99-05-034.

3. D.99-05-034 adopted a requirement that the UDCs provide information about which entities are installing direct access meters, and which entities are billing for electrical services.

4. Both reporting requirements were extended in D.00-12-036, and most recently in D.02-08-062.

5. Unless the reporting requirements are extended again, both reporting requirements will terminate with the reports ending for the month of September 30, 2004.

6. The Energy Division has requested that both of the reporting requirements be extended.

7. The October 2, 2002 ruling proposed that any remaining direct access issues in R.94-04-031 be addressed in R.02-01-011.

8. Extending both monthly reporting requirements will provide the Commission with uninterrupted data about direct access participation and direct access metering and billing.

Conclusions of Law

1. Since D.03-01-034 closed the electric restructuring proceedings in which the two monthly reporting requirements were established, we shall use R.02-01-011, and its service list, as the proceeding in which to extend both reporting requirements.

2. The requirement for the monthly reporting of direct access implementation activities should be extended through the month ending September 30, 2006, unless further extended by the Commission.

3. The requirement for the monthly reporting of which entities are installing direct access meters, and which entities are performing the billing of electricity, should be extended through the month ending September 30, 2006, unless further extended by the Commission.

O R D E R

IT IS ORDERED that:

1. The reporting requirement regarding the direct access implementation activities for each month, as directed in Decision (D.) 97-05-040, and as modified by D.99-05-034 and extended most recently by D.02-08-062, shall continue as provided below:

- a. The utility distribution companies (UDCs) shall continue to submit to the Director of the Energy Division, and to other interested parties, a monthly report containing the information described in D.97-05-040 in the format described by the Energy Division.
 - b. Unless further extended by the Commission, this reporting requirement shall terminate with the report ending for the month of September 30, 2006.
2. The reporting requirement covering which entities are installing direct access meters, and which entities are doing the billing of electrical services, as directed in D.99-05-034 and extended most recently by D.02-08-062, shall continue as provided below:
 - a. The UDCs shall continue to submit to the Energy Division a monthly report containing the information described in D.99-05-034 in the format directed by the Energy Division.
 - b. Unless further extended by the Commission, this reporting requirement shall terminate with the report ending for the month of September 30, 2006.

This order is effective today.

Dated _____, at San Francisco, California.